



IT IS ORDERED

Date Entered on Docket: August 8, 2018

The Honorable David T. Thuma  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE TENTH CIRCUIT

IN RE: FRED DALE VAN WINKLE,

Debtor,

TAMMY SPRAGUE, personal representative  
of the estate of Fred Dale Van Winkle,

Plaintiff-Appellee,

v.

JOHN WILLIAMS, ELLEN B. WILLIAMS,  
and  
BELLEVIEW VALLEY LAND CO. INC.,

Defendants-Appellants.

BAP No. NM-17-031

BAP No. NM-17-032

BAP No. NM-17-033

Bankr. No. 13-11743

Adv. No 15-01047

Chapter 7

ORDER TERMINATING AUTOMATIC STAY

THIS MATTER came on before the Court upon the stipulation of the parties herein.

Tammy Sprague, Personal Representative being represented by Trey Arvizu of Arvizu Law

Case 15-01047-t Doc 144 Filed 08/08/18 Entered 08/08/18 16:32:55 Page 1 of 3

Case 13-11743-t7 Doc 99-1 Filed 12/05/19 Entered 12/05/19 09:14:5

Case 20-01022-t Doc 40-5 Filed 03/26/21 Entered 03/26/21 12:20:33 Page 1 of 3

PLAINTIFF'S  
EXHIBIT

Blumberg No. 5113

32

Office, and the Williams, Belleview Valley Land Co., Inc., represented by their counsel W.T. Martin Jr. of Martin, Dugan, and Martin, and Jennie Deden Behles of B.L.F. LLC to terminate this stay in this matter which was entered on June 30, 2015 docket no. 7, having been entered upon the stipulation of these parties, and the Court having otherwise been fully advised **FINDS:**

That cause exists, as indicated by counsel to terminate the Stay in the pending state court matters in Otero County<sup>1</sup> and Lincoln County<sup>2</sup> collectively referred to as the state court litigation in the Motion on grounds as follows:

1. The issues before this Court between the parties which have been determined and are no longer subject to appeal with only such exception as may relate to the requested allowance of attorney's fees claimed by counsel for Sprague following the filing of the Notice of Appeal to the 10th Circuit BAP which is pending before this Court and fully briefed.

2. The parties desire to complete the state court litigation and have a final determination of the rights of the parties vis-à-vis each other therein.

3. The parties have stipulated to the termination of the stipulated order staying the matters. The Stay under 11 USC Section 362 as pertains to the state court case in Otero County, and the state court case Lincoln County referenced; and that the Order of this Court enjoining the parties from any active participation in the state court litigation be and it is hereby terminated and dissolved.

**\*\*\*END OF ORDER\*\*\***

Entered July 31, 2018.

Respectfully submitted,

B.L.F., LLC

s/ Electronically filed  
Jennie Deden Behles  
P.O. Box 7070  
Albuquerque, NM 87194-7070  
(505) 242-7004, (505) 242-7066 Fax  
jennie@jdbehles.com

W. T. (Tom) Martin Jr.  
Martin Dugan & Martin  
P.O. Box 2168  
5109 W. Pierce St. 8822-5259  
Carlsbad, NM 88221-2168  
Fax: 575-887-2136  
Email: martinlaw@zinet.com

Approved as to form:

s/ Approved Via Email  
Trey R. Arvizu  
Arvizu Law Office  
2508 N. Telshor Blvd  
P.O. Box 1479  
Las Cruces, NM 88004-1479  
(575) 527-8600

By: s/ Jennie Deden Behles  
Jennie Deden Behles

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<sup>1</sup> State of New Mexico, Twelfth Judicial District Court, County of Otero, Case No. CV-2010-1054

<sup>2</sup> State of New Mexico, Twelfth Judicial District Court, County of Lincoln, Case No. CV-2015-55.